

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

January 13, 1993

Allen R Devlin
1045 County Line Road
Grayland, Washington 98547-9999

Dear Mr. Devlin:

Re: Ground Water Application No. G 2-28691

We acknowledge receipt of your affidavits of publication of notice in connection with the above-numbered applications.

The water codes require that no action be taken toward issuance of a permit earlier than thirty (30) days after the last date of publication. This period of time is allowed for filing any protests or objections.

A site investigation will be made by this office before we issue a permit decision. In light of our water right backlog, we estimate it will be about 18 months after receipt of your application before we are able to conduct the site investigation.

Sincerely,


Sheri Fox
Water Resources

SF:lo(12A)

Affidavit of Publication

County of Pacific

ss

State of Washington

Meredith Nicholson

being first duly sworn on oath deposes and says that he is the Publisher of *The Willapa Harbor Herald*, a weekly newspaper, that said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court of Pacific County, which is the county of its publications. That the annexed is a true copy of Application to Appropriate Waters/G2-28691 as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of two consecutive weeks, commencing on the 30th day of December 1992, ending on the 6th day of January 1993, both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said publications for the sum of \$50.00, which amount has been paid in full at the rate of \$5.50 per column inch for the first insertion, \$4.50 per column inch for each subsequent insertion.

Meredith Nicholson

Subscribed and sworn to before me this 6th day of January, 1992.

C. L. Petrich

Notary Public in and for
State of Washington
Residing at Raymond, Washington

SEAL

**NOTICE OF APPLICATION TO
APPROPRIATE PUBLIC WATERS
TAKE NOTICE:**

That Allen R. Devlin of Grayland, Washington on December 1, 1992 under Application No. G2-28691 filed for permit to appropriate public waters, subject to existing rights, from a sump and 4 sandpoints in the amount of 626 gallons per minute as needed year round each year, for Heat and frost control and irrigation during the irrigation season. The source of the proposed appropriation is located within NE1/4 NE1/4 Pacific Valley Cranberry Tracts of Section 18, Township 15 N., Range 11W W.M., in Pacific County.

Protests or objections to approval of this application must include a detailed statement of the basis for objection; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from January 6, 1993.

Dept. of Ecology, P.O. Box 47775, Olympia, WA 98504-7775.

(Publish: Dec. 30, 1992 & Jan. 6, 1993)

affidavit OK
1/13/93
SF

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

December 16, 1992

Allen R. Devlin
1045 County Line Road
Grayland, Washington 98547-9999

Dear Mr. Devlin:

Re: Ground Water Application No. G 2-28691

Enclosed is a notice of your application which must be published once a week for two consecutive weeks in a qualified legal newspaper of general circulation in the County or Counties in which the storage, diversion, and use is to be made and in other newspapers as directed. A list of these newspapers in your county is enclosed. The applicant is responsible for the payment of the publication.

Please read the notice carefully to make sure it is correct. Should you find an error, please return the notice to our office for correction.

You should mail or deliver the enclosed notice to a newspaper regarding publication as soon as possible. When you receive the affidavit of publication from the newspaper, please forward it to this office promptly.

A site investigation will be made by this office before we issue a permit decision.

In light of our water right backlog, we estimate it will be about 18 months after receipt of your application before we are able to conduct the site investigation.

Sincerely,

A handwritten signature in cursive script that reads "Sheri Fox".

Sheri Fox
Water Resources

SF:th
Enclosures

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That Allen R. Devlin
of Grayland, Washington on December 1, 1992 under
Application No. G2-28691 filed for permit to appropriate public waters, subject to existing rights,
from a sump and 4 sandpoints
in the amount of 626 gallons per minute as needed year round
each year, for Heat and frost control and irrigation during the irrigation season

The source of the proposed appropriation is located within NE 1/4 NE 1/4 Pacific Valley Cranberry Tracts

of Section 18, Township 15 N., Range 11W W.M., in Pacific County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from

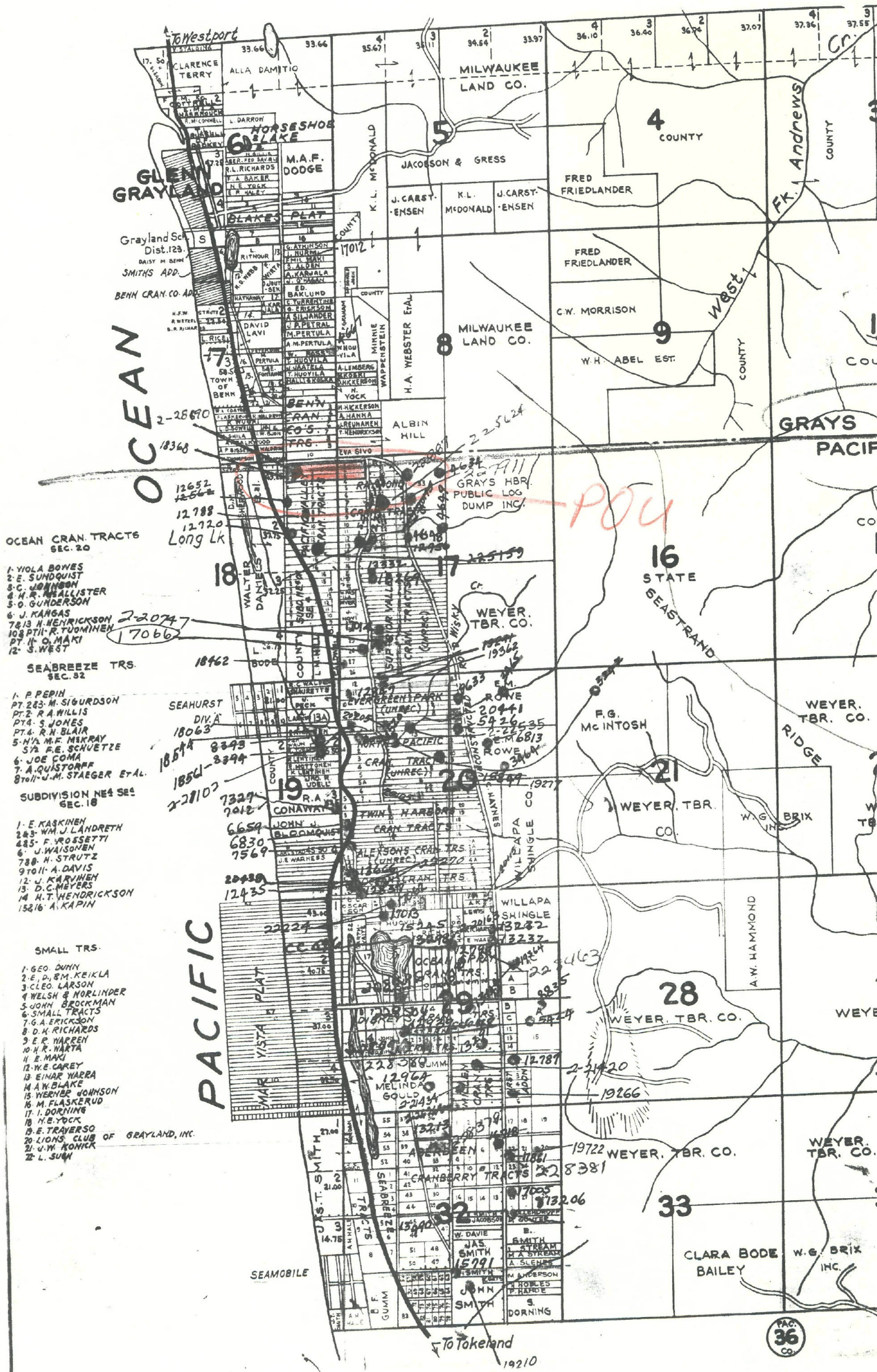
(Last date of publication to be entered above by publisher)

* Notice must be published once a week for two consecutive weeks.

.... Dept. of Ecology
.... P.O. Box 47775
.... Olympia, wa 98504-7775

NOTICE

TOWNSHIP 15 N., R. 10 E., S. 10 N.
GRAYS HARBOR & ADJACENT WATERS



CERTIFICATE RECORD No. 11 PAGE No. 5233-ASTATE OF WASHINGTON, COUNTY OF Pacific**Certificate of Ground Water Right**

Issued in accordance with the provisions of Chapter 282, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the State Supervisor of Water Resources thereunder.

THIS IS TO CERTIFY That GEY W. KICKAMSON

of Olympia, Washington, has made proof to the satisfaction of the State Supervisor of Water Resources of Washington, of a right to the use of the ground waters of a canal

located within Tract 2 (Tract 3, Pacific Valley Cranberry Tracts)

Sec. 18 Twp. 13 N. R. 11 W. W.M.

for the purpose of irrigation, heat and frost control

under and subject to provisions contained in Ground Water Permit No. 6675 issued by the State Supervisor of Water Resources and that said right to the use of said ground waters has been perfected in accordance with the laws of Washington, and is hereby confirmed by the State Supervisor of Water Resources of Washington and entered of record in Volume 11 at page 5233-A;

that the right hereby confirmed dates from March 3, 1964; that the quantity of ground

water under the right hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 110 gallons per minute; 14 1/2 acre-feet

per year, for the irrigation of 7 1/4 acres and for heat and frost control

Special provisions required by the Supervisor of Water Resources:

A description of the lands to which such ground water right is appurtenant:

Tracts 2 and 3 of the Plat of Pacific Valley Cranberry Tracts, in Sec. 18, T. 13 N., R. 11 W.M., according to the plat thereof on file in the office of the Auditor of Pacific County, Washington.

Tracts 2 and 3 of the Plat of Raymond Cranberry Tracts, in Sec. 17, T. 13 N., R. 11 W.M., according to the plat thereof on file in the office of the Auditor of Pacific County, Washington.

The right to the use of the ground water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in Sections 6 and 7, Chapter 122, Laws of 1929.

WITNESS the seal and signature of the State Supervisor of Water Resources affixed this

13th day of October, 1965.

Robert H. Russell
State Supervisor of Water Resources

December 23, 1970

Mr. Anton J. Miller
Attorney at Law
404 4th Street
Raymond, Washington 98577

Dear Sir:

Your letter of December 10, 1970 has been referred to me for reply.

A review of our records reveals that Certificate of Surface Water Right 9477 (Permit No. 13514) was issued to Guy Richardson with a priority date of March 3, 1964. The certificate issued for 0.4 cubic foot per second (180 gallons per minute) and 14 1/2 acre-feet per year for irrigation of 7 1/2 acres. This water right is an appurtenance to Tract 2 and 3 of the Plat of Pacific Valley Cranberry Tracts in Sec. 16, T. 15 N., R. 11 W.W.M. and Tracts 2 and 3 of the Plat of Raymond Cranberry Tracts in Sec. 17, T. 15 N., R. 11 W.W.M. The source of appropriation is an unnamed drainage ditch with point of diversion 630 feet west and 250 feet south of the northeast corner of Section 19.

The above certificate is supplemental to Ground Water Certificate No. 5253 (copy enclosed) which authorizes withdrawal from a sump. Therefore, use of water from the sump in preference to the drainage ditch appears to be authorized but Mr. Richardson would have no authority to use the waters on other than those lands described in the certificates.

As you did not provide us with a description of the land owned by your client it is not possible to determine the effect this certificate may have on your clients irrigation project.

Your interpretation of the various statutes appears essentially correct. Registration of claims is only applicable if your client, in fact, is claiming a water right established through use of the waters prior to the enactment of the water codes. In the case of surface water from the drainage ditch the critical date would be 1917 as you have indicated.

Additionally, RCW 90.03.110 through 90.03.240 involves a determination of existing rights including both vested rights and those of record in this office under valid permit or certificate.

Anton J. Miller
December 23, 1970
Page 2

Consequently, if your client does not have a claim to vested right, she should submit an application to appropriate water from the unnamed ditch in the amount necessary to meet her requirement. The priority date of the permit issued in response to such an application would be the date the application is accepted by this Department and would therefore be a junior right in respect to the Certificate issued to Mr. Richardson which carries a 1964 priority date.

A copy of a surface water application form is enclosed which you may submit on behalf of Mrs. Dixon. We will be pleased to assist you as necessary to ensure that your client receives an equitable water right in accordance with the appropriate statutes.

In the interim period, if you will provide us with specific information as to Mr. Richardson's use of water on lands not covered by water right, we will investigate the matter further.

Very truly yours,

JOHN A. BIGGS, Director

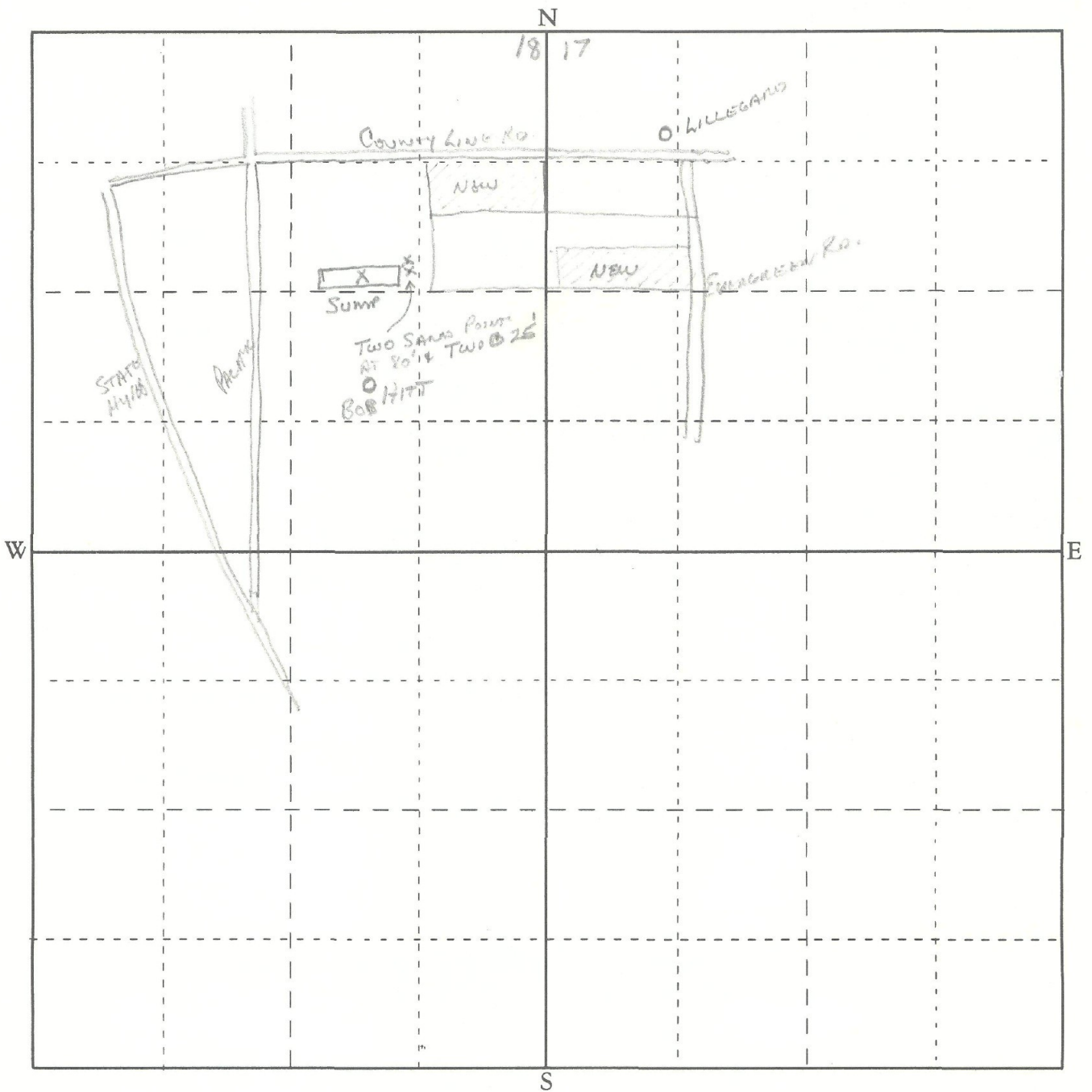
By
Bruce A. Cameron, Engineer

BAC:vw

Enclosures

SECTION MAP

Sec. 17 & 18 Twp. 15 N N. R. 11 W, Wm



Scale: 1 inch = 800 feet (each small square = 10 acres)

Show by a cross (X) the location of point of diversion (surface water source) or point of withdrawal (ground water source): For ground water applications, show by a circle (O) the locations of other wells or works within a quarter of a mile.

Indicate traveling directions from nearest town in space below.

Detach here

Fold along scale



Detach this scale at the perforation, fold excess paper under or cut off excess by cutting along the scale line. This scale corresponds to the SECTION MAP above. You can read feet directly from this scale to outline property and locate points of diversion or withdrawal on the SECTION MAP. Enclose this map along with the application and \$10.00 examination fee.